



Development of Amendments to Rules Concerning Ground Water Quality Standards' Numeric Criterion for Arsenic

#06-280 (WPCB)

Overview

IC 13-18-17-5(a)(3) requires the Water Pollution Control Board to adopt rules concerning ground water quality standards to establish health protection goals for untreated water in water supply wells. The federal maximum contaminant level (MCL) for arsenic in drinking water was reduced from 0.05 mg/L to 0.010 mg/L in January 2006. Since the MCL has been reduced, IDEM is reducing the numeric criterion for arsenic as a health protective goal for untreated ground water used as drinking water, which is also the maximum permissible level of a contaminant in drinking water class ground water.

Citations Affected

Amends 327 IAC 2-11-6.

Affected Persons

This rule will potentially affect all facilities, practices, and activities that impact the ground water of the state by introducing sources of arsenic to ground water and are regulated by or under the jurisdiction of the Departments of Environmental Management, Natural Resources, or Health, the State Fire Marshal, or the State Chemist.

Reason(s) for the Rule

Revisions are being made to this rule to update the health protection goal for arsenic in untreated water in water supply wells.

Economic Impact of the Rule

The establishment of the criterion in this rule has no direct economic impact. However, there may be indirect economic impacts of the revision, resulting through the implementation of the ground water quality standards through other rules as they are applied to facilities, practices, or activities. Any financial impact will be addressed in those rule makings.

Benefits of the Rule

Approximately 60% of Indiana's population uses

ground water as their source of drinking water. The rule adds protection for that source of drinking water.

Description of the Rulemaking Project

On January 2, 2001, EPA promulgated a new Maximum Contaminant Level (MCL) for the allowable level of arsenic in water supplied to consumers by public water systems. The MCL became effective in January 2006. The revision to the federal rule was made to protect human health. The classification scheme in Indiana's Ground Water Quality Standards is based on protecting Indiana's ground water for use as a drinking water source. To protect that resource, the numeric criterion for arsenic is being changed to align with the federal arsenic MCL.

Scheduled Hearings

First Public Hearing: September 12, 2007, 1:30 pm, EDT at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana.

Consideration of Factors Outlined in Indiana Code 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- 1) All existing physical conditions and the character of the area affected.
- 2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- 3) Zoning classifications.
- 4) The nature of the existing air quality or existing water quality, as appropriate.
- 5) Technical feasibility, including the quality conditions that could be reasonably be achieved through coordinated control of all factors affecting the quality.
- 6) Economic reasonableness of measuring or reducing any particular type of pollution.
- 7) The right of all persons to an environment sufficiently uncontaminated as not to

be injurious to:

- (A) human, plant animal, or aquatic life; or
- (B) the reasonable enjoyment of life and property.

Consistency with Federal Requirements

This rulemaking is consistent with federal rules.

Rulemaking Process

The first step in the rulemaking process is a first notice published in the *Indiana Register*. This includes a discussion of issues and opens a first comment period. The second notice is then published which contains the comments and the department's responses from the first comment period, a notice of first meeting/hearing, and the draft rule. The Water Pollution Control Board holds the first meeting/hearing and public comments are heard. The proposed rule, also known as the draft rule as preliminarily adopted,

is published in the *Indiana Register* after preliminary adoption along with a notice of second meeting/ hearing. If the proposed rule is substantively different from the draft rule, a third comment period is required. The second public meeting/hearing is held and public comments are heard. Once final adoption occurs, the rule becomes effective 30 days after filing with the Publisher.

IDEM Contact

Technical information regarding this rulemaking action can be obtained from Stacy Jones, Drinking Water Branch, Office of Water Quality, (317) 308-3292 or (800) 451-6027 (in Indiana). Additional information regarding this rulemaking action can be obtained from Michelle Reeves, Rules Development Section, Office of Water Quality, (317) 233-8587 or (800) 451-6027 (in Indiana).